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(Original Signature of Member)

106TH CONGRESS
2D SESSION

H. RES. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. _____ submitted the following resolution; which was referred to the
Committee on _____

RESOLUTION

Providing for the concurrence by the House with an amend-
ment in the Senate amendment to H.R. 4788, the Grain
Standards and Warehouse Improvement Act of 2000.

1 *Resolved*, That upon the adoption of this resolution
2 the House shall be considered to have taken from the
3 Speaker's table the bill H.R. 4788, with the amendment
4 of the Senate thereto, and to have concurred in the Senate
5 amendment with the following amendment:

6 At the end of the matter proposed to be inserted by
7 the Senate amendment, add the following new sections:



1 **SEC. 311. COTTON FUTURES.**

2 Subsection (d)(2) of the United States Cotton Fu-
3 tures Act (7 U.S.C. 15b(d)(2)) is amended by adding at
4 the end the following: “A person complying with the pre-
5 ceding sentence shall not be liable for any loss or damage
6 arising or resulting from such compliance.”.

7 **SEC. 312. IMPROVED INVESTIGATIVE AND ENFORCEMENT**
8 **ACTIVITIES UNDER THE PACKERS AND**
9 **STOCKYARDS ACT, 1921.**

10 (a) IMPLEMENTATION OF GENERAL ACCOUNTING
11 OFFICE RECOMMENDATIONS.—Not later than 1 year after
12 the date of the enactment of this Act, the Secretary of
13 Agriculture shall implement the recommendations con-
14 tained in the report issued by the General Accounting Of-
15 fice entitled “Packers and Stockyards Programs: Actions
16 Needed to Improve Investigations of Competitive Prac-
17 tices”, GAO/RCED–00–242, dated September 21, 2000.

18 (b) CONSULTATION.—During the implementation pe-
19 riod referred to in subsection (a), and for such an addi-
20 tional time period as needed to assure effective implemen-
21 tation of the recommendations contained in the report re-
22 ferred to in such subsection, the Secretary of Agriculture
23 shall consult and work with the Department of Justice and
24 the Federal Trade Commission in order to—



1 (1) implement the recommendations in the re-
2 port regarding investigation management, oper-
3 ations, and case methods development processes; and

4 (2) effectively identify and investigate com-
5 plaints of unfair and anti-competitive practices in
6 violation of the Packers and Stockyards Act, 1921
7 (7 U.S.C. 181 et seq.), and enforce the Act.

8 (c) TRAINING.—Not later than 1 year after the date
9 of the enactment of this Act, the Secretary of Agriculture
10 shall develop and implement a training program for staff
11 of the Department of Agriculture engaged in the investiga-
12 tion of complaints of unfair and anti-competitive activity
13 in violation of the Packers and Stockyards Act, 1921. In
14 developing the training program, the Secretary of Agri-
15 culture shall draw on existing training materials and pro-
16 grams available at the Department of Justice and the Fed-
17 eral Trade Commission, to the extent practicable.

18 (d) IMPLEMENTATION REPORT.—Not later than 1
19 year after the date of the enactment of this Act, the Sec-
20 retary of Agriculture shall submit to Congress a report
21 describing the actions taken to comply with this section.

22 (e) ANNUAL ASSESSMENT OF CATTLE AND HOG IN-
23 DUSTRIES.—Title IV of the Packers and Stockyards Act,
24 1921, is amended—



1 (1) by redesignating section 415 (7 U.S.C. 229)
2 as section 416; and

3 (2) by inserting after section 414 the following:

4 **“SEC. 415. ANNUAL ASSESSMENT OF CATTLE AND HOG IN-**
5 **DUSTRIES.**

6 “Not later than March 1 of each year, the Secretary
7 shall submit to Congress and make publicly available a
8 report that—

9 “(1) assesses the general economic state of the
10 cattle and hog industries;

11 “(2) describes changing business practices in
12 those industries; and

13 “(3) identifies market operations or activities in
14 those industries that appear to raise concerns under
15 this Act.”.

16 **SEC. 313. REHABILITATION OF WATER RESOURCE STRUC-**
17 **TURAL MEASURES CONSTRUCTED UNDER**
18 **CERTAIN DEPARTMENT OF AGRICULTURE**
19 **PROGRAMS.**

20 The Watershed Protection and Flood Prevention Act
21 (16 U.S.C. 1001 et seq.) is amended by adding at the end
22 the following new section:



1 **“SEC. 14. REHABILITATION OF STRUCTURAL MEASURES**
 2 **NEAR, AT, OR PAST THEIR EVALUATED LIFE**
 3 **EXPECTANCY.**

4 “(a) DEFINITIONS.—For purposes of this section:

5 “(1) REHABILITATION.—The term ‘rehabilita-
 6 tion’, with respect to a structural measure con-
 7 structed as part of a covered water resource project,
 8 means the completion of all work necessary to ex-
 9 tend the service life of the structural measure and
 10 meet applicable safety and performance standards.
 11 This may include: (A) protecting the integrity of the
 12 structural measure or prolonging the useful life of
 13 the structural measure beyond the original evaluated
 14 life expectancy; (B) correcting damage to the struc-
 15 tural measure from a catastrophic event; (C) cor-
 16 recting the deterioration of structural components
 17 that are deteriorating at an abnormal rate; (D) up-
 18 grading the structural measure to meet changed
 19 land use conditions in the watershed served by the
 20 structural measure or changed safety criteria appli-
 21 cable to the structural measure; or (E) decommis-
 22 sioning the structure, if requested by the local orga-
 23 nization.

24 “(2) COVERED WATER RESOURCE PROJECT.—
 25 The term ‘covered water resource project’ means a



1 work of improvement carried out under any of the
2 following:

3 “(A) This Act.

4 “(B) Section 13 of the Act of December
5 22, 1944 (Public Law 78–534; 58 Stat. 905).

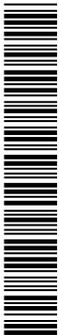
6 “(C) The pilot watershed program author-
7 ized under the heading ‘FLOOD PREVENTION’
8 of the Department of Agriculture Appropriation
9 Act, 1954 (Public Law 156; 67 Stat. 214).

10 “(D) Subtitle H of title XV of the Agri-
11 culture and Food Act of 1981 (16 U.S.C. 3451
12 et seq.; commonly known as the Resource Con-
13 servation and Development Program).

14 “(3) STRUCTURAL MEASURE.—The term ‘struc-
15 tural measure’ means a physical improvement that
16 impounds water, commonly known as a dam, which
17 was constructed as part of a covered water resource
18 project, including the impoundment area and flood
19 pool.

20 “(b) COST SHARE ASSISTANCE FOR REHABILITA-
21 TION.—

22 “(1) ASSISTANCE AUTHORIZED.—The Secretary
23 may provide financial assistance to a local organiza-
24 tion to cover a portion of the total costs incurred for
25 the rehabilitation of structural measures originally



1 constructed as part of a covered water resource
2 project. The total costs of rehabilitation include the
3 costs associated with all components of the rehabili-
4 tation project, including acquisition of land, ease-
5 ments, and rights-of-ways, rehabilitation project ad-
6 ministration, the provision of technical assistance,
7 contracting, and construction costs, except that the
8 local organization shall be responsible for securing
9 all land, easements, or rights-of-ways necessary for
10 the project.

11 “(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—
12 The amount of Federal funds that may be made
13 available under this subsection to a local organiza-
14 tion for construction of a particular rehabilitation
15 project shall be equal to 65 percent of the total re-
16 habilitation costs, but not to exceed 100 percent of
17 actual construction costs incurred in the rehabilita-
18 tion. However, the local organization shall be respon-
19 sible for the costs of water, mineral, and other re-
20 source rights and all Federal, State, and local per-
21 mits.

22 “(3) RELATION TO LAND USE AND DEVELOP-
23 MENT REGULATIONS.—As a condition on entering
24 into an agreement to provide financial assistance
25 under this subsection, the Secretary, working in con-



1 cert with the affected unit or units of general pur-
2 pose local government, may require that proper zon-
3 ing or other developmental regulations are in place
4 in the watershed in which the structural measures to
5 be rehabilitated under the agreement are located so
6 that—

7 “(A) the completed rehabilitation project is
8 not quickly rendered inadequate by additional
9 development; and

10 “(B) society can realize the full benefits of
11 the rehabilitation investment.

12 “(c) TECHNICAL ASSISTANCE FOR WATERSHED
13 PROJECT REHABILITATION.—The Secretary, acting
14 through the Natural Resources Conservation Service, may
15 provide technical assistance in planning, designing, and
16 implementing rehabilitation projects should a local organi-
17 zation request such assistance. Such assistance may con-
18 sist of specialists in such fields as engineering, geology,
19 soils, agronomy, biology, hydraulics, hydrology, economics,
20 water quality, and contract administration.

21 “(d) PROHIBITED USE.—

22 “(1) PERFORMANCE OF OPERATION AND MAIN-
23 TENANCE.—Rehabilitation assistance provided under
24 this section may not be used to perform operation
25 and maintenance activities specified in the agree-



1 ment for the covered water resource project entered
2 into between the Secretary and the local organiza-
3 tion responsible for the works of improvement. Such
4 operation and maintenance activities shall remain
5 the responsibility of the local organization, as pro-
6 vided in the project work plan.

7 “(2) RENEGOTIATION.—Notwithstanding para-
8 graph (1), as part of the provision of financial as-
9 sistance under subsection (b), the Secretary may re-
10 negotiate the original agreement for the covered
11 water resource project entered into between the Sec-
12 retary and the local organization regarding responsi-
13 bility for the operation and maintenance of the
14 project when the rehabilitation is finished.

15 “(e) APPLICATION FOR REHABILITATION ASSIST-
16 ANCE.—A local organization may apply to the Secretary
17 for technical and financial assistance under this section
18 if the application has also been submitted to and approved
19 by the State agency having supervisory responsibility over
20 the covered water resource project at issue or, if there is
21 no State agency having such responsibility, by the Gov-
22 ernor of the State. The Secretary shall request the State
23 dam safety officer (or equivalent State official) to be in-
24 volved in the application process if State permits or ap-
25 provals are required. The rehabilitation of structural



1 measures shall meet standards established by the Sec-
2 retary and address other dam safety issues. At the request
3 of the local organization, personnel of the Natural Re-
4 sources Conservation Service of the Department of Agri-
5 culture may assist in preparing applications for assistance.

6 “(f) RANKING OF REQUESTS FOR REHABILITATION
7 ASSISTANCE.—The Secretary shall establish such system
8 of approving rehabilitation requests, recognizing that such
9 requests will be received throughout the fiscal year and
10 subject to the availability of funds to carry out this sec-
11 tion, as is necessary for proper administration by the De-
12 partment of Agriculture and equitable for all local organi-
13 zations. The approval process shall be in writing, and
14 made known to all local organizations and appropriate
15 State agencies.

16 “(g) PROHIBITION ON CERTAIN REHABILITATION
17 ASSISTANCE.—The Secretary may not approve a rehabili-
18 tation request if the need for rehabilitation of the struc-
19 ture is the result of a lack of adequate maintenance by
20 the party responsible for the maintenance.

21 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to the Secretary to pro-
23 vide financial and technical assistance under this
24 section—

25 “(1) \$5,000,000 for fiscal year 2001;



1 “(2) \$10,000,000 for fiscal year 2002;

2 “(3) \$15,000,000 for fiscal year 2003;

3 “(4) \$25,000,000 for fiscal year 2004; and

4 “(5) \$35,000,000 for fiscal year 2005.

5 “(i) ASSESSMENT OF REHABILITATION NEEDS.—

6 The Secretary, in concert with the responsible State agen-
7 cies, shall conduct an assessment of the rehabilitation
8 needs of covered water resource projects in all States in
9 which such projects are located.

10 “(j) RECORDKEEPING AND REPORTS.—

11 “(1) SECRETARY.—The Secretary shall main-
12 tain a data base to track the benefits derived from
13 rehabilitation projects supported under this section
14 and the expenditures made under this section. On
15 the basis of such data and the reports submitted
16 under paragraph (2), the Secretary shall prepare
17 and submit to Congress an annual report providing
18 the status of activities conducted under this section.

19 “(2) GRANT RECIPIENTS.—Not later than 90
20 days after the completion of a specific rehabilitation
21 project for which assistance is provided under this
22 section, the local organization that received the as-
23 sistance shall make a report to the Secretary giving
24 the status of any rehabilitation effort undertaken



1 using financial assistance provided under this sec-
2 tion.”.

3 **SEC. 314. RELEASE OF REVERSIONARY INTEREST AND CON-**
4 **VEYANCE OF MINERAL RIGHTS IN FORMER**
5 **FEDERAL LAND IN SUMTER COUNTY, SOUTH**
6 **CAROLINA.**

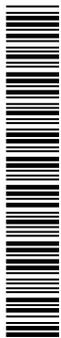
7 (a) FINDINGS.—Congress finds the following:

8 (1) The hiking trail known as the Palmetto
9 Trail traverses the Manchester State Forest in Sum-
10 ter County, South Carolina, which is owned by the
11 South Carolina State Commission of Forestry on be-
12 half of the State of South Carolina.

13 (2) The Commission seeks to widen the Pal-
14 metto Trail by acquiring a corridor of land along the
15 northeastern border of the trail from the Anne
16 Marie Carton Boardman Trust in exchange for a
17 tract of former Federal land now owned by the Com-
18 mission.

19 (3) At the time of the conveyance of the former
20 Federal land to the Commission in 1955, the United
21 States retained a reversionary interest in the land,
22 which now prevents the land exchange from being
23 completed.

24 (b) RELEASE OF REVERSIONARY INTEREST.—



1 (1) RELEASE REQUIRED.—In the case of the
2 tract of land identified as Tract 3 on the map num-
3 bered 161–DI and further described in paragraph
4 (2), the Secretary of Agriculture shall release the re-
5 versionary interest of the United States in the land
6 that—

7 (A) requires that the land be used for pub-
8 lic purposes; and

9 (B) is contained in the deed conveying the
10 land from the United States to the South Caro-
11 lina State Commission of Forestry, dated June
12 28, 1955, and recorded in Deed Drawer No. 6
13 of the Clerk of Court for Sumter County, South
14 Carolina.

15 (2) MAP OF TRACT 3.—Tract 3 is generally de-
16 picted on the map numbered 161–DI, entitled
17 “Boundary Survey for South Carolina Forestry
18 Commission”, dated August 1998, and filed, to-
19 gether with a legal description of the tract, with the
20 South Carolina State Commission of Forestry.

21 (3) CONSIDERATION.—As consideration for the
22 release of the revisionary interest under paragraph
23 (1), the State of South Carolina shall transfer to the
24 United States a vested future interest, similar to the
25 restriction described in paragraph (1)(A), in the



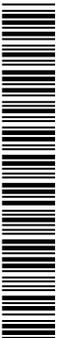
1 tract of land identified as Parcel G on the map num-
2 bered 225–HI, entitled “South Carolina Forestry
3 Commission Boardman Land Exchange”, dated
4 June 9, 1999, and filed, together with a legal de-
5 scription of the tract, with the South Carolina State
6 Commission of Forestry.

7 (c) EXCHANGE OF MINERAL RIGHTS.—

8 (1) EXCHANGE REQUIRED.—Subject to any
9 valid existing rights of third parties, the Secretary of
10 the Interior shall convey to the South Carolina State
11 Commission of Forestry on behalf of the State of
12 South Carolina all of the undivided mineral rights of
13 the United States in the Tract 3 identified in sub-
14 section (b)(1) in exchange for mineral rights of
15 equal value held by the State of South Carolina in
16 the Parcel G identified in subsection (b)(3) as well
17 as in Parcels E and F owned by the State and also
18 depicted on the map referred to in subsection (b)(3).

19 (2) DETERMINATION OF MINERAL CHAR-
20 ACTER.—Not later than 90 days after the date of
21 the enactment of this Act, the Secretary of the Inte-
22 rior shall determine—

23 (A) the mineral character of Tract 3 and
24 Parcels E, F, and G; and



1 (B) the fair market value of the mineral
2 interests.

3 **SEC. 315. TECHNICAL CORRECTION REGARDING RESTORA-**
4 **TION OF ELIGIBILITY FOR CROP LOSS AS-**
5 **SISTANCE.**

6 Section 259 of the Agricultural Risk Protection Act
7 of 2000 (Public Law 106–224; 114 Stat. 426; 7 U.S.C.
8 1421 note) is amended by adding at the end the following:
9 “(c) COMMODITY CREDIT CORPORATION.—The Sec-
10 retary shall use the funds, facilities, and authorities of the
11 Commodity Credit Corporation to carry out this section.”.

12 **SEC. 316. PORK CHECKOFF REFERENDUM.**

13 Notwithstanding section 1620(c)(3)(B)(iv) of the
14 Pork Promotion, Research, and Consumer Information
15 Act of 1985 (7 U.S.C. 4809(c)(3)(B)(iv)), the Secretary
16 shall use funds of the Commodity Credit Corporation to
17 pay for all expenses associated with the pork checkoff ref-
18 erendum ordered by the Secretary on February 25, 2000.

